

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Brandon Lynn Steele,

Petitioner,

v.

Warden, FCI Edgefield,

Respondent.

C/A No. 4:22-cv-3070-JFA-TER

**ORDER**

Brandon Steele (“Petitioner”), proceeding pro se, filed this petition for habeas corpus pursuant to 28 U.S.C. § 2241. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review.

Shortly after the petition was filed, Respondent filed a motion to dismiss. (ECF No. 16). Petitioner failed to respond to this motion.<sup>1</sup>

Thereafter, the Magistrate Judge assigned to this action<sup>2</sup> issued a thorough Report and Recommendation (“Report”). (ECF No. 21). Within the Report, the Magistrate Judge opines that this action should be dismissed without prejudice for lack of prosecution. The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Petitioner was advised of his right to object to the Report, which was entered on the docket on January 9, 2023. *Id.* The Magistrate Judge required Petitioner to file objections by January 23,

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<sup>1</sup> Records indicate Petitioner was released after he filed the petition and prior to the motion to dismiss.

<sup>2</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

2023. *Id.* Petitioner failed to file objections or otherwise address the proper form orders. Thus, this matter is ripe for review.

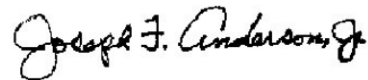
A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Petitioner has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report indicates that the Magistrate Judge correctly concluded that Petitioner has failed to respond and therefore his action is subject to dismissal for lack of prosecution.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 21). Therefore, this case is dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41.

IT IS SO ORDERED.

February 7, 2023  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge